

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

NOW ON THIS 18th day of March, 2010, this matter comes on before the Court upon Plaintiff's oral motion to vacate the Default Judgment and Decree of Forfeiture (Filing No. 22). Upon review of this case, the Court, being duly advised in the premises, finds as follows:

1. A Complaint for Forfeiture was filed herein on September 4, 2009. A Warrant for Arrest in Rem was issued by this Court and was properly executed on the Defendant property by the United States Marshal.

2. Publication of the notice of this action and of the arrest of the Defendant property was
duly made pursuant to Order of this Court dated September 23, 2009.

3. On September 24 and 28, 2009, service of the Verified Complaint, Notice of Seizure and Procedure and Warrant In Rem was attempted, *via* certified mail, on Jorge Alberto Loza Gutierrez. Said service was returned unexecuted, as evidenced by Filing No. 11, a Process Receipt and Return.

4. On December 3, 2009, service of the Verified Complaint, Notice of Seizure and Procedure and Warrant In Rem on the titleholder, Alonzo Loza, was accomplished *via* personal service on his

wife, Paola Loza, as evidenced by Filing No. 14, a Process Receipt and Return.

5. The Plaintiff's Request to Enter Default was granted by this Court on January 28, 2010.

6. Plaintiff's oral motion to vacate should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

- A. The Default Judgment and Decree of Forfeiture (Filing No. 22) is hereby vacated.
- B. All right, title or interest in or to the Defendant property held by any person or entity is hereby forever barred and foreclosed.
- C. The Defendant property be and the same hereby is forfeited to the United States of America.
- D. The Defendant property shall be disposed of by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives for the District of Nebraska in accordance with law.

Dated March 18, 2010.

BY THE COURT:

Richard G. Kopf
United States District Judge